

## 3 Your Michigan Driving Record

Michigan maintains a driving record for every driver. The driving record contains information the Secretary of State is required to maintain, such as moving violations, traffic crashes, and alcohol-related convictions. Drivers with unsatisfactory records may be required to attend a driver reexamination, face possible loss of their license, and pay reinstatement fees. Safe drivers benefit by having a reduced risk of traffic crashes and serious injury, as well as lower insurance rates. Driving safely in Michigan matters.

Driving is a privilege. Once you obtain a driver's license, you must continually show that you have the skill and knowledge to drive safely, or your driver's license may be restricted, suspended, or revoked. The Secretary of State has access to accident information reported by law enforcement as well as for moving violations and certain drug crimes from the courts. Your driving record will include information about civil or criminal moving violations and at-fault crashes. The Secretary of State is also notified of any traffic crashes, convictions, and findings of responsibility in other states. Convictions from other states will appear on your Michigan driving record.

Most convictions stay on your driving record for at least seven years. Certain convictions and licensing actions stay on your driving record for at least 10 years. A conviction for a fatality remains on your driving record permanently.

Under Michigan's Driver Privacy Protection Act, personal information on your driving record is private and is not released to the general public unless there is a permissible use as prescribed by law. Personal information includes your name, address, driver's license number, and similar information. Some examples of permissible uses include insurance rating, automobile recalls, and driver verification for car rental companies.

## Traffic Tickets

When a uniformed law enforcement officer driving an official police vehicle signals you to stop, you must pull out of traffic and stop safely as soon as possible. The officer may stop you for a variety of reasons. You may be receiving an emergency message, the officer may believe you committed a violation, your vehicle may match the description of a stolen vehicle, or it may have defective equipment. You must be able to show your driver's license, vehicle registration, and proof of insurance to the officer.

## Michigan's Point System

Under Michigan law, some traffic violations are civil infractions, while others are misdemeanors or felonies. Depending on the violation and how it is resolved, you may be fined, referred to a special program or, in the most serious situations, sent to jail. In most cases, if you do not take care of a traffic ticket, your driver's license will be suspended. Any new traffic tickets received while your license is suspended for other moving violations will result in an additional suspension on your driving record and payment of a reinstatement fee.

Each time you are convicted of a traffic violation, you will have to pay certain court fines and costs. In addition, points may be posted to your driving record.

Under Michigan's point system, each traffic violation has a point value, which is set by law in the *Michigan Vehicle Code*. Points are placed on your driving record only after you have been convicted or found guilty of, or responsible for, a moving violation. Points placed on your driving record remain there for two years from the date of conviction. The system used to post points to your driving record is separate from the points assigned by an insurance company to determine your rate. If you believe there are extenuating circumstances for the ticket you received, these must be submitted when you appear in court. The Secretary of State cannot set aside a court conviction or the points for it. The following shows the points for some traffic violations.

## **Points For Some Traffic Convictions\***

### **Six Points:**

- Manslaughter, negligent homicide, or other felony involving use of a motor vehicle.
- Operating while intoxicated or operating with any presence of a Schedule 1 drug or cocaine.
- Failing to stop and give identification at the scene of a crash.
- Reckless driving.
- Refusal to take a chemical test.
- Fleeing or eluding a police officer.
- Failure to yield causing death or injury of emergency responder, construction worker or person operating implements of animal husbandry.

### **Four Points:**

- Drag racing.
- Impaired driving.
- Under age 21 with any bodily alcohol content.
- 16 mph or more over the legal speed limit.
- Failure to yield/show due caution for emergency vehicles.

### **Three Points:**

- Careless driving.
- Disobeying a traffic signal or stop sign or improper passing.
- 11 through 15 mph over the legal speed limit.
- Failure to stop at railroad crossing.
- Failure to stop for a school bus or for disobeying a school crossing guard.

## Two Points:

- 10 mph or less over the legal speed limit.
- Open alcohol container in vehicle.
- All other moving violations of traffic laws.
- Refusal of Preliminary Breath Test (PBT) by anyone under age 21.

\*Please note that snowmobile and off-road vehicle (ORV) alcohol-conviction points are placed on a driving record and may result in licensing action against your driving privileges even though the violation happened while operating a snowmobile or ORV. More information is provided in Section 11, on pages 109-114.

## Michigan's Driver Responsibility Law

In an effort to promote greater traffic safety, Michigan enacted the Driver Responsibility Law to deter potentially dangerous driving behavior, thereby saving lives. The Driver Responsibility Program calls for monetary sanctions for drivers who:

- Accumulate seven or more points on their driving record (Category 1 Offenses)
- Are convicted of specific qualifying offenses (Category 2 Offenses)

Only driving offenses with arrest or incident dates on or after Oct. 1, 2003, will be counted. Points accumulated prior to Oct. 2, 2003, are not considered under this new law. Category 1 offenses are for moving violations and include speeding, improper turns, and following too closely.

The Driver Responsibility fee is based on the number of points on the driving records, with a minimum of seven points required before a fee is assessed. The fees begin at \$100 and increase by \$50 for each additional point above seven points.

7 Points \$100	8 Points \$150	9 Points \$200
10 Points \$250	11 Points \$300	12 Points \$350
13 Points \$400	14 Points \$450	15 Points \$500

Drivers assessed a fee under Category 1 will be assessed only once per year. Category 1 fees will not be assessed in any year in which the number of points on a driving record falls below seven.

Certain offenses are classified as “qualifying offenses” and carry their own Driver Responsibility fee independent from the number of points on the driving record. Drivers convicted of qualifying offenses will be assessed a Driver Responsibility fee of \$150, \$200, \$500 or \$1,000 for two consecutive years. The amount is determined by the relative seriousness of the offense. For example:

- Drunken driving or operating while intoxicated (OWI) - \$1,000
- Reckless driving - \$500
- No proof of insurance - \$200 (May be waived if proof can be provided before the court date that insurance was valid at the time of the traffic stop.)
- Drove while license expired - \$150

Points from **Category 2** offenses and convictions are **not** counted toward the point total for **Category 1**. Multiple Driver Responsibility fees are assessed if a driver is convicted of multiple qualifying offenses under **Category 2**. Driver Responsibility fees are assessed for **two consecutive years** for **Category 2** convictions.

The second year’s fees will be assessed on the anniversary date of the first year’s fees. Failure to pay, or arrange to pay, results in an indefinite suspension of a driver’s license until full payment is made. Fee assessments apply to both licensed and unlicensed drivers. As with other suspensions, a reinstatement fee of \$125 is required before the license is restored.

## Obtaining a Copy of Your Driver Record

You may obtain a copy of your driving record, through the mail by submitting the form, *Requesting Your Own Record*, BDVR-153, to the Michigan Department of State Record Lookup Unit. Forms are available at branch offices, from the Secretary of State Web site, and the Record Lookup Unit.

A certified copy of your own driving record may be purchased at any PLUS Office or SUPER!Center. You will be required to show your driver's license when requesting your driving record - no form is necessary.

If you do not have a Record Lookup account with the Secretary of State and you wish to obtain a record other than your own, you must submit your request on the *Michigan Department of State – Record Lookup Request* form, BDVR-154. Information is released according to the Driver Privacy Protection Act and you must have a permissible use as defined by law to obtain a copy of the record. Each record is \$7 and must be paid for in advance with a check, money order, or Visa, MasterCard or Discover credit card. A certified copy is available for an additional \$1.

Please mail or fax record request forms to the:

**Michigan Department of State  
Record Lookup Unit  
7064 Crowner Drive  
Lansing, MI 48918-1540  
Telephone: (517) 322-1624  
Fax: (517) 322-1181**